

ADVERSED  
JUN 0 2 2003

Entered 07-16-02 - sb  
CL 02L0497 GWENDOLYN BURNS

03-R-0802

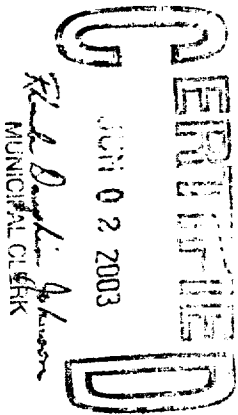
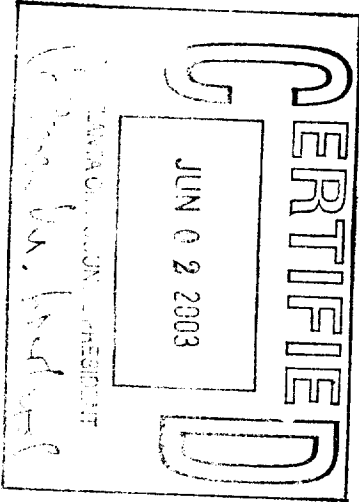
CLAIM OF: FELICIA L. TAYLOR  
2105 Mesa Valley Way, #815  
Austell, Georgia 30106

For vehicular damage allegedly sustained from  
driving over a construction site that was left open  
and in an unsafe condition on May 9, 2002 at  
Marietta Street, NW & Fairley Street, NW.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



## ADVERSE REPORT

PUBLIC SAFETY &

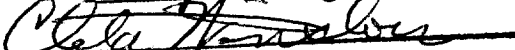
LEGAL ADMINISTRATION COMMITTEE

DATE:

P.S.

CHAIR:

5/27/03

















## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

June 9, 2003

Felicia L. Taylor  
2105 Mesa Valley Way  
Apartment 815  
Austell, Georgia 30106

03-R-0802

Dear Ms. Taylor:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 2, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 02L0497

Date: May 1, 2003

Claimant /Victim FELICIA L. TAYLOR  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2105 Mesa Valley Way, #815, Atlanta, Georgia 30106  
Subrogation: Claim for Property damage \$ 252.16 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 7/1/02 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 5/9/02 Place: Fairlie Street, NW & Marietta Street, NW  
Department \_\_\_\_\_ Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over a construction site that was improperly covered in the roadway. An investigation determined that an outside contractor was responsible for the road defect. The claimant has been so advised and her claim has been forwarded to the contractor for resolution.

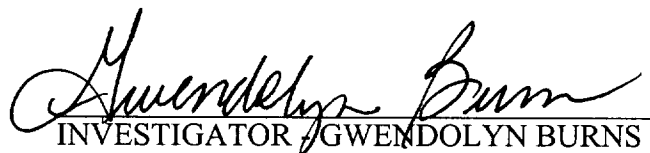
**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

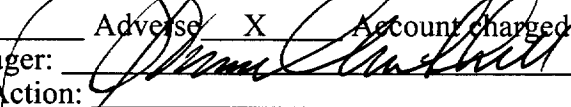
**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 05-13-03  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4761  
6/02/03  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs.1-11 Except:03-O-0767; 03-O-0706

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	E Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<hr/>		06/02/03 Council Meeting	
ITEMS ADOPTED ON CONSENT		ITEMS ADVERSE	
AGENDA		ON CONSENT	
		AGENDA	
1.	03-O-0705	32.	02-R-1076
2.	03-O-0837	33.	02-R-1077
3.	03-O-0717	34.	02-R-1078
4.	03-O-0104	35.	02-R-1079
5.	03-O-0663	36.	02-R-1080
6.	03-O-0711	37.	02-R-1081
7.	03-O-0835	38.	02-R-1082
8.	03-O-0836	39.	02-R-1083
9.	03-O-0840	40.	02-R-1084
10.	03-O-0721	41.	02-R-1085
11.	03-O-0786	42.	02-R-1086
12.	03-O-0587	43.	02-R-1087
13.	03-O-0781	44.	02-R-1088
14.	02-R-1351	45.	02-R-1089
15.	03-R-0822	46.	02-R-1090
16.	03-R-0823	47.	02-R-1091
17.	03-R-0825	48.	02-R-1092
18.	03-R-0828	49.	02-R-1093
19.	03-R-0829	50.	02-R-1094
20.	03-R-0832	51.	02-R-1095
21.	03-R-0833	52.	02-R-1096
22.	03-R-0820	53.	02-R-1097
23.	03-R-0821	54.	02-R-1098
24.	03-R-0845	55.	02-R-1099
25.	03-R-0846		
26.	03-R-0789		
27.	03-R-0790		
28.	03-R-0791		
29.	03-R-0792		
30.	03-R-0793		
31.	03-R-0794		

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Consent I Vote: 13Yeas; 0Nays: (See RCS #4761)  
Items Removed from the Consent Agenda: 03-O-0767; 03-O-0706